

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-20272

FRANCIS A. SHARRAK,

Defendant.

ORDER SETTING HEARINGS AND SCHEDULE FOR OBJECTIONS

On January 3, 2011, the court adjourned the sentencing hearing of Defendant Francis A. Sharrak pending determination of competency to proceed to sentencing *pro se*. (1/3/2011 Order.) The court subsequently ordered the psychiatric or psychological examination of Defendant. (1/11/2011 Order.) Having received the report of that examination, the court will now schedule a hearing for May 4, 2011, at 2:30 p.m. to determine Defendant's competency to proceed to sentencing. The court will further schedule a separate hearing for June 7, 2011, at 10:00 a.m., by which time Defendant must decide and announce whether he wishes to continue representing himself for all sentencing purposes or whether he wishes to withdraw from self-representation in which event the court will appoint his present attorney, Ms. Raben, to represent him through the conclusion of the case. See *Faretta v. California*, 422 U.S. 806 (1975) (Sixth Amendment ensures right of criminal defendant to proceed without representation).

The court will also set deadlines for objections to the presentence report and responses to follow the *Faretta* hearing. Finally, the court will schedule a sentencing

hearing on July 19, 2011, at 2:30 p.m. Accordingly,

IT IS ORDERED that a competency hearing on the record shall be held on **May 4, 2011, at 2:30 p.m.**

IT IS FURTHER ORDERED that a status conference on the record to determine Defendant's position on self-representation shall be held **June 7, 2011, at 10:00 a.m.**

This hearing, however, is subject to cancellation in the event that Defendant files a report in writing in advance that unequivocally relinquishes his right to continue self-representation and seeks the appointment of counsel.

IT IS FURTHER ORDERED that, regardless of Defendant's position on self-representation, objections to the presentence report shall be submitted to the probation officer on or before **June 21, 2011**, and responses shall be submitted on or before **July 5, 2011**.

Finally, IT IS ORDERED that, regardless of Defendant's position on self-representation, a sentencing hearing shall be held on **July 19, 2011, at 2:30 p.m.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 27, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 27, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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